

Jury convicts McDonough man of having sex with child

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By Aisha I. Jefferson

It took a Henry County jury less than two hours Tuesday afternoon to convict a 57-year-old McDonough man of having sex repeatedly with a 12-year-old neighbor girl two years ago.

Trial Judge William Ison sentenced Alonzo "Buster" Phillips to 10 years in prison.

Phillips could have faced up to 50 years in prison on the charges of child molestation and aggravated sexual battery, but the judge sentenced him to two 10-year sentences to run concurrently. While he has maintained his innocence through two trials, Phillips showed no emotion as the guilty verdict was read. He apologized to the girl's family, and said he didn't commit the crime.

His attorney, Jennifer Hanson, said she will file a motion for a new trial today, and is asking Ison for an appeal bond, where Phillips would get bail while a motion of a new trial and bail are pending.

by investigators in the summer of 2003 when she said the crimes occurred, the girl said Phillips at one point gave her a \$50 bill and asked her how old she was and she told him she was 12. The girl also said that Phillips would give her grandmother Goody's headache powders to to make her go to sleep so the girl could leave the house without being detected.

The girl said the sexual relations went on for a week, July 24-31, 2003. During that time in his bedroom they kissed, had intercourse and Phillips touched other parts of her body, she told the jury.

Phillips was initially charged with statutory rape, but that charge was dismissed in the first trial after the judge ruled the state had not produced enough evidence to let the jury decide it. That first jury deadlocked after nine members wanted to acquit him on the child molestation charge and 11 wanted to acquit him on the aggravated sexual battery charge.

On Tuesday, former McDonough resident Lester Arthur Davis and Willie Moseley testified for the prosecution that they were outside with others when they saw the girl in an area around Phillips' house on one of the nights the incident took place. Davis told jurors he saw the girl peeping near Phillips' carport. Davis, who said he and Moseley were drinking with friends in the neighborhood, said the area the girl was around was lit.

"I've seen her run across the street as she did the night before and go into [her grandmother's] house," Davis testified.

Following Davis' testimony, Hanson filed a motion for a direct acquittal on both counts of the indictment. Ison denied the motion, explaining that a child under 16 can't consent to a sexual act.

Hanson next put James Lee Powell, a psychologist who specializes in child forensic interviewing, on the stand, asking his opinion about the videotaped interview.

"For me it raised a lot of questions," Powell told jurors. Powell said the investigator should have been more objective in his interview approach, he should have asked the girl why she called Phillips and her feelings about the relationship.

"This interview is an outcry interview," Powell said. Powell, who has taught on the collegiate level, told jurors he would give the investigator "a low C for a grade."

Georgia Bureau of Investigation forensic scientist Raymond Santamaria testified that after examining a few of the girl's articles, including a T-shirt and a pair of panties she wore on one of the night's of the encounters, he concluded that "no additional hairs (were) found aside from (the girls)." But when asked by prosecutor Sandi Rivers whether this was abnormal, Santamaria told jurors it is not unusual not to find such material.

GBI forensic biologist Charity Davis testified that she examined a condom she received on July 8 that came from Phillips' home two years ago. Charity Davis also said she examined a mattress piece she received from Santamaria in July. Charity Davis told jurors that DNA obtained from the condom could not be the girl's.

Regarding fluids found on the mattress piece, Charity Davis said one of the samples belonged to a man, but " the samples were mixed in such a way" that she could not determine the gender, the age or the length of time the samples were on the mattress.

Phillips' housemate, Ronnie Goggins, testified that he's lived with Phillips for four or five years.

In her testimony the victim described gunshot wound scars on Phillips' body

When Hanson asked Goggins about scars, Goggins told jurors, "I've seen them on many occasions."

Hanson told jurors during her closing argument that they are "not here to decided if sexual intercourse actually took place between" the girl and Phillips.

Despite the defense telling jurors to consider the evidence prosecutors didn't present to them - phone records, other witnesses, medical records - Hanson told them, " The reason the state didn't bring you any objective evidence in this case is because the only objective evidence was in my favor."

Juror Shakima Vega of Stockbridge disagreed said the jury disagreed with Hanson.

"(The girl's) testimony and that tape was the only thing that we really, really had to go on," Vega said outside the courthouse. "I believe she set the whole thing off but at the same time, he's a 57-year-old man who knows right from wrong."

Vega also said they believed that if Phillips' wasn't guilty he would have taken the stand.

"If I'm not guilty, I'm not going to not testify; I would testify proving I'm not guilty," said Vega, who was one of the four women and eight men who made up the jurors.

Hanson said she and her client are disappointed with the verdict.

"It's disappointing when a jury comes back 11-1 to acquit and then a different jury hears the same evidence and comes back unanimously guilty," Hanson said.

The girl and her family said they are glad the trial concluded in their favor.

"Thank you Jesus," the girl's mother said. "I'm so happy. He's gone. I can sleep. I don't have to worry about it."

Flint Judicial Circuit District Attorney Tommy Floyd said also is pleased with the jury's decision.

"For the sake of the little girl, we're glad there's a resolution to this case," Floyd said. "I think Ms. Rivers' tenacity and hard work contributed greatly to this verdict. She did a terrific job."

Hanson said she expects Ison to make a decision early next week on the appeal bond.